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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,662	02/15/2002	Yusuke Kojima	1559-0113P	4713
2292	7590	08/09/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				ARAQUE JR, GERARDO
ART UNIT		PAPER NUMBER		
				3629

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/049,662	KOJIMA, YUSUKE
	<b>Examiner</b>	<b>Art Unit</b>
	Gerardo Araque Jr.	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 February 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-22 is/are rejected.

7)  Claim(s) 5 and 20 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 15 February 2002 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/14/02; 2/15/02.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

2. **Claim 5** is objected to because of the following informalities: The examiner believes the term "dye" should be read as "due" in **line 3 of claim 5**. Appropriate correction is required.
3. **Claim 20** is objected to because of the following informalities: The examiner believes the term "**record**" should be read as "**recorded**" in **line 14 of claim 20**. Appropriate correction is required.
4. **Claim 20** is objected to because of the following informalities: The examiner believes that "a predetermined value" should first be introduced before the **3<sup>rd</sup> step of claim 20** for clarity purposes. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. **Claims 1 – 22** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign

document and are replete with grammatical and idiomatic errors. There are several instances in which the language being used convinces the examiner to believe this.

Such examples are the following, but not limited to only the following selected claims:

- a. **Claim 2 Line 6** “an additional energy generator”: The examiner does not understand why the applicant uses the term “additional” when no other generator has been introduced.
- b. **Claim 3 Line 2** “memorizing” – is the individual using the method/system memorizing the energy conservation table or device list or have they been written to the memory of the computer.
- c. **Claim 4 Line 16 – 18** “less by reduction of expenses obtained by energy conservation effect or at the time point predetermined by support of another time point selection supporting means” – the examiner’s best understanding of the first part is equivalent to when a lease is involved and the second part is equivalent to a predetermined later date.
- d. **Claim 14 Lines 1 – 3** – the examiner currently understands this claim as the energy conservation effect due to all the energy conservation devices, previously mentioned in claim 13, and 2 additional generators for a total of 4 devices. The examiner believes that what the applicant was trying to convey that the third target value is dependent on the total conservation effect of the previously mentioned devices (support device and generator) in addition to a second generator for a total of 3 devices.

In regard to **claims 3 and 12**, the applicant discloses selecting an effective conservation support device in accordance to the energy consumption by usage. Is the usage based on past energy consumption or estimated future consumption? If the energy consumption being entered is also estimated energy consumption then why would there an estimate be needed if there should be a record of past consumptions?

In regard to **claims 9, 17, and 19** the term "regularly" is vague and indefinite. How much is "regularly"? Is it every week, every 2 weeks, or every month?

In regards to **claim 11**, the terms "and/or" render the claim vague and indefinite. Are they electric power, gas, and water all included or is it only 1 of them being included for reducing consumption of energy?

7. **Claim 6** recites the limitation "the energy generator" in **line 2 of claim 6**. There is insufficient antecedent basis for this limitation in the claim.

8. **Claim 14** recites the limitation "the energy generator" in **line 3 of claim 14**. There is insufficient antecedent basis for this limitation in the claim.

9. **Claim 19** recites the limitation "the energy generator" in **line 3 of claim 19**. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. **Claims 1, 3, and 11 – 22** are rejected under 35 U.S.C. 102(e) as being anticipated by **Johnson** (US Patent 6,169,979 B1).
12. In regards to **claim 1**, Johnson discloses a method for supporting energy conservation by using a computer (Column 1 Lines 66 – 67; Column 2 Lines 1 – 2, 39 – 40; Column 20 Lines 43 - 51). Moreover, Johnson also discloses calculating reduced portion of expenses when installing a energy conservation support device (Column 2 Lines 40 – 52; Column 4 Lines 37 – 47), calculating a payment amount of amortization payment (Column 5 Lines 26 – 29), and comparing and displaying the reduced portion of the expenses with the payment amount (Column 6 Table 2). Furthermore, Johnson discloses that multiple services and utilities can be used for supporting energy conservation using a computer (Column 4 Lines 55 – 57). In further view, Johnson discloses using the customer information and recommendations into a presentation for each customer.
13. In regards to **claim 3**, as best understood by the examiner, Johnson discloses memorizing an energy conservation table or device list (Column 6 Table 2; Column 12 Lines 34 – 38; Column 20 Lines 56 – 65), entering energy consumption of each month in the past (Column 7 Line 14), estimating energy consumption by usage in each month in accordance with variation of the energy consumption in each month (Column 21 Lines 50 – 52; Column 23 Lines 33 – 34), and selecting an effective energy conservation support device in accordance with the energy consumption by usage so as to install the device (Column 2 Lines 49 – 51).

14. In regards to **claim 11**, Johnson discloses that the system is implemented on a laptop computer so that a salesperson can easily transport the system (Column 3 Lines 4 – 11). The laptop computer consists of several interfaces for calculating and comparing various utility rates resulting in cost savings to utility company customers (Columns 3 – 5 System Modules; Column 6 System On-Line Sales Process and Table 2).

15. In regards to **claim 12**, Johnson discloses that the system is implemented on a laptop computer so that a salesperson can easily transport the system discussed above (Column 3 Lines 4 – 11).

16. In regards to **claim 20**, Johnson discloses a device installation-supporting portion for obtaining and displaying information and energy conservation effect-managing portion. Moreover, Johnson discloses an energy conservation control portion for executing energy conservation control to increase energy conservation effect (Column 21 Lines 65 – 67; Column 22 Lines 1 – 20) and starting the amortization payment at the installation timing (Column 25 Lines 12 – 14).

#### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claims 2, 4 – 6, 13 – 14 and 21 – 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Johnson** (US Patent 6,169,979 B1) in view of **Bender et al.** (US Patent 5,387,858).

19. In regards to **claims 2, 4 – 5, 13 – 14, and 21 – 22**, Johnson is disclosed above and further discloses that multiple services and utilities can be used for supporting energy conservation using a computer (Column 4 Lines 55 – 57), but fails to disclose the benefits of an energy generator as a means to conserve energy.

However, Bender discloses the benefits of having a direct current photovoltaic source and a back-up direct current source as an effective means of conserving energy (Column 2 Lines 9 – 14).

Therefore, it would have been obvious to one having ordinary skill in the art to modify Johnson in view of the teachings of Bender to include a photovoltaic source and back-up direct current source as an effective means of conserving energy.

20. In regards to **claim 6**, Johnson discloses amortization payment starting at the installation timing (Column 25 Lines 12 – 14).

21. **Claims 7 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Johnson** (US Patent 6,169,979 B1) in view of **Bender et al.** (US Patent 5,387,858) and in further view of **Lerner et al.** (US Patent 6,157,722).

22. In regard to **claims 7 and 15**, as best understood by the examiner, Johnson discloses proposing energy efficient programs for the customer and review rebates, savings, payback, and summary information (Column 21 Lines 34 – 36) and starting the

amortization payment at the installation timing (Column 25 Lines 12 – 14), but fails to disclose a method of making online payments.

However, Lerner discloses that it is old and well known of the existence of online transactions and discloses a method of encrypting such services (Column 14 Lines 50 – 52).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Johnson in view of the teachings of Lerner to have a method of making online payments and encrypting such information since valuable information would be transferred between the customer and the company, such as account information.

23. **Claims 8 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Johnson** (US Patent 6,169,979 B1) in view of **Bender et al.** (US Patent 5,387,858) and in further view of **Directorate for Financial and Enterprise Affairs (DFEA)** (<http://www.oecd.org/dataoecd/9/29/37084458.pdf>).

24. In regard to **claims 8 and 16**, Johnson and Bender are discussed above, but fail to show an amortization period of 5 – 7 years.

However, having an amortization period of 5 – 7 years is old and well known as is disclosed by DFEA. DFEA discloses that in 1997, the 7-year minimum amortization period was reduced to 3 years.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Johnson and Bender, in combination, in view of the

teachings of DFEA that having an amortization of 5 – 7 years would have been old and well known.

25. **Claims 9, 17, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Johnson** (US Patent 6,169,979 B1) in view of **Bender et al.** (US Patent 5,387,858) and in further view of **Cmar** (US Patent 5,566,084).

26. In regard to **claims 9, 17, and 19**, Johnson and Bender are discussed above, but fail to show correcting the target value in accordance with weather information.

However, Cmar discloses using weather data as a means for analyzing a utility bill in order to implement changes for conserving energy (Column 3 Lines 37 – 45).

Therefore, it would have been obvious to one having ordinary skill in the art to modify Johnson and Bender, in combination, in view of the teachings of Cmar to use weather information and its effects on utility bills as a means of refining a better solution on how to conserve energy.

27. **Claims 10 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Johnson** (US Patent 6,169,979 B1) in view of **Bender et al.** (US Patent 5,387,858) and in further view **Johnson et al.** (US Patent 6,047,274).

28. In regard to **claims 10 and 18**, Johnson and Bender are disclosed above, but fail to disclose transmitting data concerning energy consumption externally every month.

However, Johnson et al. teaches an energy supply bidding service in which Providers may wish to prepare and deliver their own billing statement for each end user. Moreover, the Moderator for each user collects the energy usage data and transmits it to the appropriate Provider.

Therefore, it would have been obvious to one having ordinary skill in the art to modify Johnson and Bender, in combination, in view of the teachings of Johnson et al. to have a device that collects and transmits data concerning energy usage to the respective external party.

***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following pertinent art disclose methods/systems of monitoring energy conservation and equipment for energy conservation:

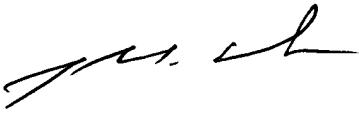
- a. US Patent – 4,718,403; 6,157,917; 5,237,507; 6,535,859 B1; 4,449,187; 5,404,136; 6,701,298 B1; 4,399,510; 4,924,404; 6,785,620 B2; 5,930,773

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7-25-06



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